

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2006-6840-RMG

PROJECT MANAGER: Rebecca Gruber

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date: March 26, 2006

At the project site? Y ☐ N ☐ Date:

PROJECT LOCATION INFORMATION:

State: Wisconsin

County: Ozaukee

Center coordinates of site by latitude & longitude: 43.3607, -87.9520 (NAD 83)

Approximate size of site/property (including uplands) in acres: 36 acres

Name of waterway or watershed: Milwaukee

Type of Aquatic Resource1:	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands									not/ind
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

1 Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors1	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

1 Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☒ Or Approved: ☐

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

A Wetland Delineation was received on 12/6/2006 from Wetland and Waterway Consulting for Corps concurrence and Jurisdictional Determination. After Reviewing data sheets, USDA soil surveys, SEWRPC wetland inventory maps, aerial photographs and county GIS the Corps has concluded that there are two isolated wetlands on the property. Wetlands 2 and 3 are not surface water resources adjacent or tributary to a water of the US. Also, no interstate commerce nexus has been found. For this reason Corps has No Jurisdiction over these wetlands

There are two other delineated wetlands on site. Wetlands 1 and 4 are adjacent to a tributary to the Milwaukee River, a navigable water of the US. These wetlands are under Corps Jurisdiction pursuant to Section 404 of the Clean Water Act..